

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)
Plaintiff) CASE NO. 05CR10224-GAO-1
)
v.)
)
J.C. ANDERSON,)
Defendant.)
_____)

ASSENTED TO MOTION TO CONTINUE SENTENCING DATE

Now comes the defendant and moves to continue the sentencing in the above-captioned matter from January 16, 2007 to February 8, 2007, February 9, 2007 or to any date between February 21, 2007 and February 23, 2007.

On January 10, 2007, Counsel for defendant, Jessica Hedges spoke with the Assistant United States Attorney assigned to the case, Leah Foley, who assented to a short continuance of this matter. Any of the above proposed dates were acceptable to the AUSA.

As grounds, the Defendant states the following:

- 1.) The government filed an 851 in this case, based upon thirteen-year-old convictions (March 3, 1993), for offenses which occurred when defendant was seventeen years old. This will have a significant impact on the defendant's mandatory minimum sentence.

- 2.) Defendant is represented by attorney Robert Galibois who seeks to vacate the prior convictions in Brockton District Court, Docket Numbers 272475-272476. (See Affidavit of Robert J. Galibois, attached hereto as Ex. A.)
- 3.) The defendant is not collaterally challenging the validity of the earlier sentence in this Court, but the court of origin. See United States v. McChristian, 47F.3d 1499 (9th Cir. 1994).
- 4.) Attorney Galibois has been diligently seeking to obtain a hearing on this issue, and the court has indicated a willingness to conduct a hearing. However, due to scheduling issues involving the assistant district attorney and the presiding judge, the hearing will not be able to be conducted before January 16, 2007
(See id)
- 5.) Should the defendant succeed in vacating the prior conviction in the matter would have to return to this court.

Therefore, Defendant requests very short continuance in this matter so that this critical matter can be resolved before sentencing.

Respectfully Submitted,
J.C. ANDERSON
By his attorneys,

//s// Jessica D. Hedges
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CERTIFICATE OF SERVICE

I, Jessica Hedges, hereby certify that I have served a copy of this motion, where unable to do so electronically, by first class mail on all counsel of record.

//ss/ Jessica Hedges
Jessica Hedges